REMARKS

The Final Office Action, mailed May 1, 2008, considered claims 1, 2, 5–13, 15–30, 38–43, and 45–54. Claims 1, 11 and 38 were objected to because the phrase "the unique identifiers" lacks antecedent basis. Claims 1, 2, 6, 10–13, 21–25, 27, 28, 38–41, 43, 45, 49, 50, 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, U.S. Patent No. 5,956,488 (filed Mar. 15, 1996) (hereinafter Suzuki), in view of McClain, U.S. Patent No. 6,772,214 (filed Apr. 27, 2000) (hereinafter McClain). Claims 5, 7, 15–17, 20, 29, 30, 42 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, in view of McClain, and further in view of Kuhn, U.S. Patent Pub. No. 200/0157112 (filed Mar. 13, 2001) (hereinafter Kuhn). Claims 8, 9, 46, 47 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, in view of McClain, and further in view of Imajima et al., U.S. Patent No. 6,211,901 (filed May 21, 1996) (hereinafter Imajima). Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, in view of McClain, and further in view of Durana et al., U.S. Patent No. 6,018,765 (filed Jan. 23, 1997) (hereinafter Durana). Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, in view of McClain, and further in view of Kuhn and still further in view of Durana. Claim 51 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, in view of McClain, and further in view of Imajima and still further in view of Stoel et al., U.S. Patent No. 5,905,942 (filed Feb. 18, 1997) (hereinafter Stoel).[1]

By this response, claim 1 is amended and claims 11–13, 15–30, 38–43, and 45–54 have been cancelled. Claims 1–10 remain pending.[2] Claims 1 and 10 are independent claims which remain at issue. Support for the amendments may be found within Specification pp. 20–24.[3]

As reflected in the claims, the present invention is directed generally toward the aggregation of streaming media to improve network performance. Claim 1 recites, for instance,

---

[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney Colby Nuttall (reg. no. 58,146) and attorney Thomas Bonacci.

[3] However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

in combination with all the elements of the claim, method for providing real-time streaming media from a wide area network to a plurality of receivers. The method includes receiving one or more requests for streaming media from a number of receivers. The each request contains a unique identifier identifying a particular receiver and access rights associated with the particular receiver. The received access rights are compared with access and security information stored within a database. A list of all the unique identifiers which have been received are stored. It is determined if the number of received requests exceeds a maximum for maintaining a connection rate of a shared network and a plurality of requests are aggregated into a single request. The single request for a copy of the media is sent to the network. A copy of the media is buffered at an aggregation module and is delivered to each of the requesting receivers. The activities of the receivers is also tracked to identify frequently requested media.

Claim 10 recites a computer program product embodiment of the method of claim

Claims 1, 11, and 38 were objected to because of informalities concerning antecedent basis.[4] The claims which remain pending have now been amended to cure the minor informalities.

Independent claims 1 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Suzuki and in view of McClain.[5] The claims have now been amended and the Applicants submit that the prior art fails to teach or suggest all the limitations of claims 1 and 10 as they are now recited herein. Among other distinctions, the Applicants submit that the prior art fails to teach or suggest that received requests contain unique identifiers for the receivers, that received requests contain access rights for the receivers, that received access rights are compared with access and security rights in a database, and that a list of the unique identifiers for each of the receivers are stored.

In particular, the Applicants submit that the prior art fails to teach or suggest each request comprising a unique identifier identifying the particular one of the plurality of receivers making the request. The Office Action asserted that Suzuki teaches

"each request comprising an identifier representative of the receiver making the request and the aggregation module storing a list of each of the identifiers

---

[4] Office Comm. p. 5.
[5] Office Comm. p. 6.

received for future access (col. 18, 1. 59-67; col. 23, 1. 3-43; & Figs. 11-15, 20, 24, 25)."[6]

The Applicants note, however, that Suzuki (as well as the other art) fails to teach or suggest that each request received contains a unique identifier which identifies the particular receiver which made the request. The cited portions of Suzuki fail to teach or suggest with particularity that a request is received and that the request, itself, contains the unique identifier which identifies the receiver having sent the request.

The prior art also fails to teach or suggest storing a list comprising each of the unique identifiers identifying each of the plurality of receivers from which a request has been received. The Office Action also asserted that

"Suzuki discloses a data management unit that stores positions of video data in response to current requests (col. 23, 1. 3-22). Every time a processing element is receiving video, it notifies the data management unit that is has a copy of the data in its memory, and the data management unit registers the memory of the unit as a stored position of the video data (col. 23, 1. 5-11). Thus, when a different terminal requests the same video data, the data management unit informs the terminal of the location storing the video that provides the fastest access time (col. 23, 1. 23-32). This is illustrated in Figures 11-15 (Figs. 11-15). As such, the examiner maintains that Suzuki discloses an "aggregation module storing a list of each of the unique identifiers received for future access," and for "tracking the activities of receivers and identifying frequently requested real-time streaming or continuous media," as currently claimed."[7]

The Applicants submit that "stor[ing] positions of video data in response to current requests," "notif[ing] the data management unit that is has a copy of the data in its memory, and the data management unit register[ing] the memory of the unit as a stored position of the video data," and "informs the terminal of the location storing the video that provides the fastest access time" fails to teach or suggest storing a list which includes each of the unique identifiers which identify each of the receivers from which a request has been received.

---

[6] Office Comm. p. 6.
[7] Office Comm. pp. 3–4.

The prior art also fails to teach each request comprising access rights associated with the particular one of the plurality of receivers making the request. The Office Action asserted that

"McClain et al. discloses a system and method for filtering web-based content by vending it to the client only if the client meets predefined user policies (Abstract). When a user first authenticates, a user profile is retrieved and an active rule set is aggregated and cached. When the user requests content, the rule is applied by a filter to determine whether the permission to view the content is granted (co I. 6, I. 26-35)."[8]

However, the Applicants submit that "filtering web-based content," "vending it to the client only if the client meets predefined user policies," retrieving a user profile and "[applying a] rule [] by a filter to determine whether the permission to view the content is granted" fails to teach or suggest that access rights associated with a particular receiver are *contained within the request* which has been received from the receiver. The teachings of McClain only suggest that access rules are applied but fails to teach or suggest that the access rights are contained within the received request.

Also, the prior art also fails to teach or suggest "the aggregation module comparing the access rights received in the request and associated with the particular one of the plurality of receivers making the request with access and security information stored within a database."

Because of at least the noted distinctions, the Applicants submit that the prior art fails to teach all the limitations of claims 1 and 10 as now recited. Accordingly, a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Correspondingly, the Applicants respectfully request favorable reconsideration of independent claims 1 and 10 and their respective dependent claims.

Claims 11–37 have now been cancelled. However, the Applicants reserve the right to present any subject matter within the scope of those claims at such a time as may be considered appropriate or desirable.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of

---

[8] Office Comm. p. 7.

the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 31st day of July, 2008.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

RDN/JCJ/TMB:kjb
1938306_1